



U.S. Department of Justice

United States Attorney
Southern District of New York

86 Chambers Street
New York, New York 10007

May 29, 2020

Honorable Ona T. Wang
United States Magistrate Judge
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, NY 10007

**Re: *Kobre & Kim v. Commodity Futures Trading Commission*,
19 Civ. 10151 (LAK) (OTW)**

Dear Judge Wang:

This Office represents the Commodity Futures Trading Commission (“CFTC”), the defendant in this case brought by Plaintiff Kobre & Kim pursuant to the Freedom of Information Act, 5 U.S.C. § 552 (“FOIA”). We write on behalf of both parties to provide a joint status update, in accordance with the Court’s January 16, 2020, Order (Dkt. No. 18) (the “Order”).

In accordance with its representations in the parties’ January 15, 2020, letter, the CFTC has been reviewing and producing documents on a rolling basis, with productions made monthly. Thus far, the CFTC has made four productions, on February 27, 2020, March 27, 2020, April 28, 2020, and May 27, 2020, consisting of a total of 968 documents. In preparing to make these productions, the CFTC reviewed 14,609 documents in accordance with the search parameters agreed to by the parties, 968 of which were responsive and not duplicative of documents that had already been produced. The CFTC also provided logs of the documents that were redacted in full on the ground that they are subject to one or more FOIA exemptions.¹ There are 11,829 documents identified in accordance with the search parameters agreed to by the parties that are still in the process of being reviewed. The CFTC believes it is still on track to complete processing and productions by July 31, 2020, as indicated in the January 15, 2020, letter.

On May 1, 2020, Plaintiff filed a motion to compel in accordance with the briefing schedule set by the Court’s April 14, 2020, Order (Dkt. No. 22). That motion is now fully briefed.

¹ Plaintiff wishes to add that of the 968 documents produced to date, 163 (16.8%) were fully redacted and 495 (51%) were partly redacted. Plaintiff’s motion to compel lists the number of fully and partly redacted documents as of the CFTC’s productions on April 28. Of the 854 documents produced as of that time, 147 were fully redacted (17%), and 446 were partly redacted (52%). The updated numbers in this letter reflect the sum total of fully and partly redacted documents as of the CFTC’s latest production on May 27.

We thank the Court for consideration of this matter.

Respectfully submitted,

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